

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte WILLIAM J. JOHNSON  
and  
MICHAEL DEAN SMITH

Application 09/150,549

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on April 23, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On July 17, 2001, appellants filed an amendment to claims 1 and 7 (Paper No. 13). It is noted that the language of claims 1 and 7<sup>1</sup> in the Appendix to the Appeal Brief filed

<sup>1</sup> The amendment filed February 12, 2001 (Paper No. 8) added the word "solely" to the final paragraph of claims 1 and 7. However, this word was missing from the claims submitted in the amendment filed July 17, 2001 (Paper No. 13). Clarification as to the status of the word "solely" is required.

October 29, 2002 (Paper No. 25) differs from its last amended version. 37 CFR § 1.192(c)(9) (2002) requires that the Appendix to the Appeal Brief contain a correct copy of the claims involved in the appeal.

Accordingly, it is

ORDERED that the application is returned to the examiner to notify appellants to submit a corrected Appendix to replace the existing defective Appendix, or for the examiner to issue a supplemental Examiner's Answer to officially correct the Appendix, and for any further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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